

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI,
SOUTHERN DIVISION**

IN RE:)
)
MARIA ANN SEIBOLD-COYLER,) Case No.: 13-60839-ABF7
Debtor)
)
MARIA ANN SEIBOLD-COYLER)
Plaintiff)
)
v.)
) Adversary No.: 15-
MOHELA a/k/a MISSOURI DEPARTMENT)
OF HIGHER EDUCATION and)
EDUCATIONAL CREDIT MANAGMENT)
CORPORATION,)
Defendants)

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN

COMES NOW Plaintiff Maria Ann Seibold-Coyler, by and through her attorneys of record, Blum and Ray, LLC, and for her Adversary Complaint against Defendants MOHELA a/k/a Missouri Department of Higher Education and Educational Credit Management Corporation (ECMC), states, as follows:

1. This is an adversary proceeding within the meaning of Rule 7001(6), F.R.Civ.Proc. Plaintiff seeks a determination by this Court as to whether her pre-petition debt owed to Defendant is, or is not, one of the kinds of debts described in 11 U.S.C. § 523(a)(8), and, if so, whether excepting such debt from discharge would impose an undue hardship on the debtor.
2. This is a core proceeding under 28 U.S.C. § 157(b)(2)(I) over which this Court has jurisdiction pursuant to 28 U.S.C. §§ 1334(b), 157(a) and (b)(1).
3. This Complaint is to determine the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(8).

4. Venue is proper in this adversary proceeding under 28 U.S.C. §§ 1408-1409.
5. Plaintiff Maria Ann Seibold-Coyler (hereinafter “Plaintiff”) filed her voluntary petition under Chapter 7 of the Bankruptcy Code on May 24, 2013, in the United States Bankruptcy Court for the Western District of Missouri.
6. This Court granted Plaintiff a discharge on August 23, 2013 and the case was closed on August 26, 2013.
7. On January 30, 2015, Plaintiff filed a motion to reopen this case to file this adversary proceeding (Doc. 23), and on February 23, 2015, the Court entered an Order granting said motion to Doc. 26).
8. Defendant MOHELA a/k/a Missouri Department of Higher Education is a contracted servicer for the U.S. Department of Education and can be served at 633 Spirit Drive, Chesterfield, MO 63005 or P.O. Box 414533, Boston, Massachusetts 02241-4533.
9. Defendant Educational Credit Management Corporation (ECMC) can be served at P.O. Box 64909, St. Paul, Minnesota 55164-0909.
10. Plaintiff has identified, upon information and belief, these student loans are held and/or serviced by the Defendants.
11. Plaintiff has identified \$23,000.00 in student loan debt. As shown on Plaintiff’s amended Schedule F of Plaintiff’s petition (\$108,308.49 in student loan debt. As shown on Plaintiff’s original Schedule E of Plaintiff’s petition) for relief upon information and belief, these student loans are held and/or serviced by the Defendants as follows:

- a. Defendant MOHELA a/k/a Missouri Department of Higher Education \$23,000.00 on amended Schedule F (\$108,308.49 on original Schedule E);

b. Defendant Educational Credit Management Corporation (ECMC):
\$23,000.00;

12. Unless otherwise ordered by the Court, this student loan debt is exempted from discharge pursuant to 11 U.S.C. § 523(a)(8).

13. Plaintiff seeks a discharge of this debt because exempting this debt from discharge will impose an undue hardship on Plaintiff because:

- a. Plaintiff's income is insufficient to make payments on this debt;
- b. Plaintiff's mental and medical conditions make it impossible for her to find sufficient employment to enable her to make the payments on this debt;

14. Plaintiff asks that the Court enter a Judgment in her favor discharging any and all indebtedness owed to Defendants because exemption of this debt from discharge will impose an undue hardship on Plaintiff.

WHEREFORE, Plaintiff Maria Ann Seibold-Colyer asks that the Court enter Judgment in her favor and against Defendants discharging any and all indebtedness owed to Defendants and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Michael W. Blum
Michael W. Blum, MoBar #47278
Blum & Ray, LLC
690 Missouri Avenue, Suite. 26
St. Robert, Missouri 65584
Telephone: (573) 336-3377
Facsimile: (573) 336-5090
raylawfirm@socket.net
Attorney for Plaintiff

Certificate of Service

The undersigned certifies that a true and complete copy of the foregoing was delivered by electronic transmission through the Court's ECF filing system, facsimile transmission, hand, or by the U.S Postal Service, postage prepaid, on this 6th day of April, 2015 to those parties having entered their appearance by the Electronic Filing System (ECF) and to those parties requesting service, including the following below listed party(ies):

MOHELA
P.O. Box 414533
Boston, Massachusetts 02241-4533

Educational Credit Management Corporation (ECMC)
P.O. Box 64909
St. Paul, Minnesota 55164-0909

/s/ Michael W. Blum
Michael W. Blum, MoBar #47278